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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,249	07/03/2003	Albert I. Everaerts	58817US002	7610
32692	7590	03/13/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,249	EVERAERTS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Zirker	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/28/05</u> .                                                            | 6) <input type="checkbox"/> Other: _____                                    |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,5,6,8,10,11,16,17,20,24,25,29-31,33,34,36,38-42,46,47,52-55,57,58,62 and 63 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shiba et al. The reference, already of record, is, upon careful inspection and taken in light of applicants' admissions in the specification concerning the reference and its disclosed adhesive compositions at page 8, lines 29 and 30, now believed to be either an inherent anticipation or a teaching rendering obvious at least some of applicants' claims, including each of the three independent claims. Note that the reference discloses what applicants' specification teaches, particularly at page 7, lines 5-17, are certain of his preferred electrostatic or electret charge film backings, such as polyolefins including polyethylene and polyesters including PET, both taught as being suitable for being coated with the aforementioned heat activatable adhesive composition(s) which can later be activated if desired during usage, which is essentially all applicants' broad article claims 1 and 53, together with method of use claim 29, require. As regards performance parameters relating to the adhesive activation and the accompanying gel content (i.e. measure of crosslinking) of the adhesive these are each believed to either inherently exist in the aforementioned

“preferred” adhesives or alternatively be at most an obvious optimization thereof.

Finally, note that one of ordinary skill might have reason to optimize the existing gel content of the adhesives if it were deemed necessary to either increase the shear strength of the adhesive, or to increase the useful range of temperatures within which the adhesive could be utilized.

4. Claims 4,7,9,12-15,18,19,21-23,26-28,32,35,37,43-45,48-51,56,59-61 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiba et al. The reference is again relied upon substantially as set forth, above, with such parameters as the presence of cling vinyl, a semi-crystalline polymer heat activatable adhesive, the presence of an “auxiliary adhesive”, presence of continuous and discontinuous adhesives, presence of image-receiving layers and graphic images, and the use of polypropylene and ionomers as compositions suitable for forming the cling backing each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

5. Claims 1-3,5,6,10,11,16,17,20,24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO '540. This reference, also already of record, is also upon careful inspection and in light of applicants' admissions in the specification concerning its adhesive composition at page 8, lines 30-31, believed to be either an inherent anticipation, or alternatively render obvious a significant number of the claims of the claimed invention. Note again that the paragraph bridging pages 4 and 5 of the reference teaches that such tapes or the like made from PVC, polyester, mylar (PET) and polyolefins such as polyethylene and

polypropylene are all suitable, and note that each of these are taught as suitable electret backings by applicants' specification. This disclosure, coupled with the admissions regarding the fact that the disclosed pressure sensitive adhesives are particularly suitable, is essentially all that is required to reject article claim 1, as the remainder of the analysis presented above concerning the inherency and/or obviousness of the performance parameters is again repeated.

6. Claims 4,7-9, 12-15,18,19,21-23 and 26-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '540. The reference is again relied upon substantially as set forth, above, with claims 29 and 53 not believed to be anticipated only because of an absence of the relatively conventional process steps of activating by heating the adhesive layer of the cling article. As regards the remaining dependent claims not either expressly or inherently disclosed these are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 – 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.